

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 10/827,123  
Applicant : Adi Ofer, et al.  
Filed : April 19, 2004  
T.C./A.U. : 2121  
Examiner : Thomas K. Pham

Confirmation No.: 2298

Docket No. : EMC-024AUS  
Customer No. : 51576

TERMINAL DISCLAIMER

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

EMC Corporation is the owner of record of one-hundred percent interest in U.S. Patent Application No. 10/827,123 filed on April 19, 2004 for OPERATION PRIORITIZATION AND SELECTION IN A PROBABILITY-BASED JOB SCHEDULER by virtue of an assignment recorded at the U.S. Patent and Trademark Office at Reel 015237, Frame 0231.

The owner hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of United States Patent No. 6,754,897 issued on June 22, 2004, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,754,897, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

The owner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of United States Patent No. 6,754,897 in the event that it later lapses for failure to pay a maintenance fee, is held

unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned, whose title is supplied below, is authorized to execute this document on behalf of the owner.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

EMC CORPORATION

Dated: March 5, 2008 By: Penelope S. Wilson

Name: Penelope S. Wilson

Title: Director, Senior Intellectual  
Property Counsel